

REQUEST FOR CONTINUANCE

Sec. 78. Except for good cause, no request for continuance or postponement of a hearing to another date and time shall be granted unless it is in writing and received by the Commission at least 10 days before the scheduled hearing date. Good cause for a continuance may include pending criminal charges but only when the employee is being disciplined for the same acts that are the basis for the pending criminal charge(s). Either the employee or his/her designated representative may request a continuance. Where there is a request for a continuance by either an employee or his/her designated representative, such continuance may be granted upon the condition that the employee waive any benefit, accumulation of seniority, or any other employee benefits that shall accrue to the employee for the period between the hearing date set and the new hearing date granted by the Commission.

Should the hearing be postponed because of the employee's involvement in criminal proceedings, which arose from the same acts for which the employee is being disciplined, the employee shall notify the Commission of the court's conclusion and/or disposition within five days of the court's issuance of such conclusion and/or disposition. Should the employee fail to comply with this notification procedure, he/she shall be deemed to have abandoned the appeal. After receiving the proper notice and after giving the employee a minimum of 10 days advance notice, in writing, of its intent to proceed, the Commission shall proceed pursuant to Section 79 of these rules. The Commission may waive application of this rule if the employee is involved in any criminal proceedings.

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